

EXHIBIT A

OSD/JS FOIA Requester Service Center
Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155
Fax (571) 372-0500

Defense Finance and Accounting Service
Corporate Communications
FOIA/PA Adherence Division
8899 East 56th Street
Indianapolis, IN 46249-0150
Fax: (317) 212-8802
Email: dfas.foia@mail.mil

September 25, 2019

To Whom It May Concern;

This is a request under the Freedom of Information Act, including a request for expedited processing. Please immediately confirm receipt of this request (contact information is below).

On behalf of the Center for Public Integrity and myself, jointly, I request that you provide us copies of the records identified and described below – or of records containing the information identified and described below:

All records reflecting any communication between Defense Department acting comptroller Elaine McCusker or other officials within the comptroller's office and employees or officials of the Office of Management and Budget concerning the **Ukraine Security Assistance Initiative**, including but not limited to letters, emails, memoranda, reports, appointment calendars, and telephone call logs, and dated between April 2019 and the date you process this request. **These should include any and all communications pertinent to apportionment requests related to the funds for this initiative during this period.**

All records reflecting any communication between Defense Department acting comptroller Elaine McCusker or other officials within the comptroller's office and Secretary of Defense Mark Esper or Deputy Secretary of Defense David Norquist concerning the **Ukraine Security Assistance Initiative**, including but not limited to letters, emails, memoranda, reports, appointment calendars, and telephone call logs, and dated between April 2019 and the date you process this request. **These should include any and all communications pertinent to apportionment requests related to the funds for this initiative during this period.**

Please note that since the aid to Ukraine under this program was released on September 12, we consider these communications **not** to be governed by FOIA exemptions pertinent to ongoing policy deliberations.

Format: we prefer to receive records in the following formats, listed in order of preference:

- (1) word processing file, text-based PDF, or similar;
- (2) other non-proprietary electronic format;
- (3) paper copies.

We specifically request all portions of any record responsive to the description above. If you withhold any record or any portion of a record as exempt, we specifically request the release of all segregable non-exempt portions, including but not limited to email header information (e.g., sender, recipients, date, subject) and analogous information in non-email documents.

If you withhold any record or portion of a record, please specify which statutory exemptions are claimed for each withholding. Please separately state how disclosure would harm an interest protected by the cited exemption. Please describe each record withheld, including its date and size (e.g., amount of electronic memory or number of paper pages).

Request for expedited processing

We request expedited processing for this request because the Center and I are “primarily engaged in disseminating information,” and there is “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II). Specifically, the topic of the Defense Department’s handling of the Ukraine Security Assistance program is a matter of immediate concern to the American public, given extensive media interest in the fate of the program and the pressures placed upon the department regarding this program. These matters are the subject of imminent congressional hearings and action.

Request for fee reduction as a representative of the news media

The Center for Public Integrity is a news media organization, and therefore this request should be exempt from all fees for search and review. This request is being made in connection with the Center’s newsgathering functions and not for any other commercial purpose. The Center intends to produce one or more original investigative reports based on analysis of the requested information. The Center’s work has won the Pulitzer Prize in 2014 and 2017 and numerous other journalism awards (see <http://www.publicintegrity.org/about/our-work/awards>).

The only federal court to consider the issue has held that the Center “is entitled to treatment as a representative of the news media for purposes of FOIA.” Center for Public Integrity v. HHS, Civil Case No. 06-1818, 2007 U.S. Dist. LEXIS 56172 (D.D.C. Aug. 3, 2007), https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2006cv1818-15. In addition, our reporters covering Congress and congressional committees are credentialed by the Standing Committee of Correspondents of the Congressional Daily Press Gallery.

We expect that duplication fees for producing electronic records will be minimal. If there are processing fees greater than \$25, inform me before you fill the request, and I will provide additional information in support of a public interest fee waiver.

Please feel free to contact me about any aspect of this request. In principle, the Center is willing to consider ways in which the request might reasonably be narrowed.

I certify that the information I have provided is true and correct. Thank you for your attention to this request.

Sincerely,

R. Jeffrey Smith
Center for Public Integrity
910 17th Street N.W., 7th Floor
Washington, DC 20006-2606
Office telephone 202-481-1206
Email address: jsmith@publicintegrity.org

EXHIBIT B

Smith, Peter

From: Smith, Jeffrey
Sent: Monday, September 30, 2019 5:58 PM
To: OMBFOIA@omb.eop.gov
Cc: Smith, Peter
Subject: OMB FOIA from the Center for Public Integrity with a request for urgent processing

Dionne Hardy, FOIA Officer
Office of Management and Budget
725 17th Street NW, Suite 9204
Washington, DC 20503
E-mail address: OMBFOIA@omb.eop.gov

Dear Ms. Hardy;

This is a request under the Freedom of Information Act.

On behalf of the Center for Public Integrity and myself, jointly, I request that you provide us copies of the records identified and described below – or of records containing the information identified and described below:

All records reflecting any communication between officials and employees of the Office of Management and Budget and the office of Defense Department acting comptroller Elaine McCusker or other officials within the comptroller's concerning the **Ukraine Security Assistance Initiative**, including but not limited to letters, emails, memoranda, reports, appointment calendars, and telephone call logs, and dated between April 2019 and the date you process this request. **These should include any and all communications pertinent to apportionment requests related to the funds for this initiative during this period.**

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Sincerely,

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**The Center for
Public Integrity**